

## 9. POLYCHLORINATED BIPHENYLS (PCBs)

### 9.1 Introduction

Polychlorinated biphenyls (PCBs) are part of an extensive series of synthetic chemicals known as chlorinated hydrocarbons. There are over 200 PCB isomers and compounds, which vary from mobile, oily liquids to white, crystalline solids and hard resins.

Although PCBs have not been manufactured since 1977, they were widely used between 1929 and 1977. One dominant use was as dielectric fluid in electrical equipment (see EH-413 Technical Assistance Project, *PCB Regulations and Their Application to Deactivation and Decommissioning Activities*, April 1996). Examples of electrical equipment in which they were used include transformers, capacitors, voltage regulators, circuit breakers, switches, and electric motors. They have also been used as heat transfer, hydraulic, and vacuum pump fluids in machinery. Other uses include plasticizers, additive lubricants, cutting oils, optical fluids, and in the laboratory (see Information Brief, *Management of PCB Laboratory Waste*, EH-413-061/1195, November 1995).

PCB contamination was discovered through bioconcentration, bioaccumulation, and biomagnification in the food chain. These findings were of concern as PCBs were known to cause chronic reproductive effects, gastric disorders, and skin lesions in laboratory animals. Based on the animal evidence (although lacking data in humans), EPA in 1988 concluded that PCBs were probable human carcinogens. PCBs also are suspected of being environmental estrogens (i.e., compounds in the environment that mimic the effects of the natural hormone estrogen on the body).

Another concern is that PCB mixtures are contaminated with polychlorinated dibenzofurans (PCDFs), which are more toxic than PCBs. Furthermore, decomposition products from the incomplete combustion of PCBs (e.g., transformer fires) include polychlorinated dibenzo-p-dioxins (PCDDs) as well as PCDFs. PCDDs are more toxic than PCDFs.

As a result of all of these concerns, Congress enacted the Toxic Substances Control Act (TSCA) in 1976 which regulates PCBs. The regulations implementing TSCA on PCBs are found at 40 CFR Part 761. As a general rule, the use of PCBs is banned for the most part unless certain conditions are met. PCBs are still being used at many DOE facilities under such conditions. A number of DOE facilities are storing PCB/fissionable waste beyond the one-year limit under a National Compliance Agreement with EPA.

### 9.2 Drivers for the Requirements

The mandate that drives the need to comply with requirements with respect to PCBs in real property transfers is GSA regulations at 41 CFR 101-47.202-2(c)(3). In addition, CERCLA § 120(h) implemented via EPA regulations at 40 CFR Part 373, requires reporting of PCBs in real property transfers. Bureau of Land Management regulations at 43 CFR 2372.1 require reporting of the extent to which contamination has occurred and decontamination has taken place or will take place.

### 9.3 Requirements in Real Property Transfers

The GSA regulation at 41 CFR 101-47.202-2(c)(3) is not a mere reporting requirement but a requirement certifying compliance. The GSA requirement directs that the responsible person:

- Certify whether the property contains any equipment subject to 40 CFR Part 761 (e.g., transformers).
- If the property does contain equipment subject to 40 CFR Part 761, certify that each item of the equipment is and will be maintained in compliance until disposal of the property.

EPA is proposing a new rule requiring documentation of transfer of ownership of PCB Items (see Exhibit 9-1) if they are not included in the transfer of real property (see text box).

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Establishing whether equipment on the property complies with TSCA regulations fulfills only part of the entirety of requirements. CERCLA § 120(h) requires identification of uncontaminated parcels of

### Property Transactions Involving PCB Items

EPA is proposing in its notice of rulemaking on the disposal of PCBs (59 FR 62871 of December 6, 1994) to require recordkeeping for the transfer of ownership of PCB Items, including PCB and PCB-contaminated Transformers and Large High-Voltage Capacitors. The affected section is 40 CFR 761.180(a)(2)(ix). The purpose of this particular provision of the proposed rulemaking is to prevent illegal disposal of PCB Items, which are alleged to have been sold by their owners. The proposed rule would require documentation of the following:

- Name, address, and telephone number of the parties to whom the item was transferred,
- Date of the transfer, and
- Identifying number of the item as recorded in the Annual Document Log.

However, EPA would **not** require the Annual Document Log to identify the transfer of ownership of PCB Items with a concentration of 50 parts per million or greater when the transfer was included in a transfer of real property. For example, if DOE sells a warehouse and the surrounding property, as long as the PCB Transformers and Large High-Voltage Capacitors are transferred in the same transaction as the real estate, separate documentation of the transfer of the transformers and capacitors would not be necessary.

land (see § 9.4.5), notification of leases (see § 9.9), reporting data on deeds (see § 9.12), and placing a covenant in deeds (see § 9.12). The Bureau of Land Management requires identification of contaminated parcels in withdrawn land being returned to the public domain (see § 9.10). The reader should refer to Exhibits 6-1 and 6-2 for a depiction of the procedures for meeting CERCLA § 120(h) requirements. Bear in mind that PCBs are listed as a CERCLA hazardous substance (40 CFR 302,

Table 302.4) with a Reportable Quantity of one pound. The reader should also be acquainted with the issues pertaining to the types of contaminants, threshold quantities, and records searches discussed in § 6.3.

## 9.4 Data Gathering

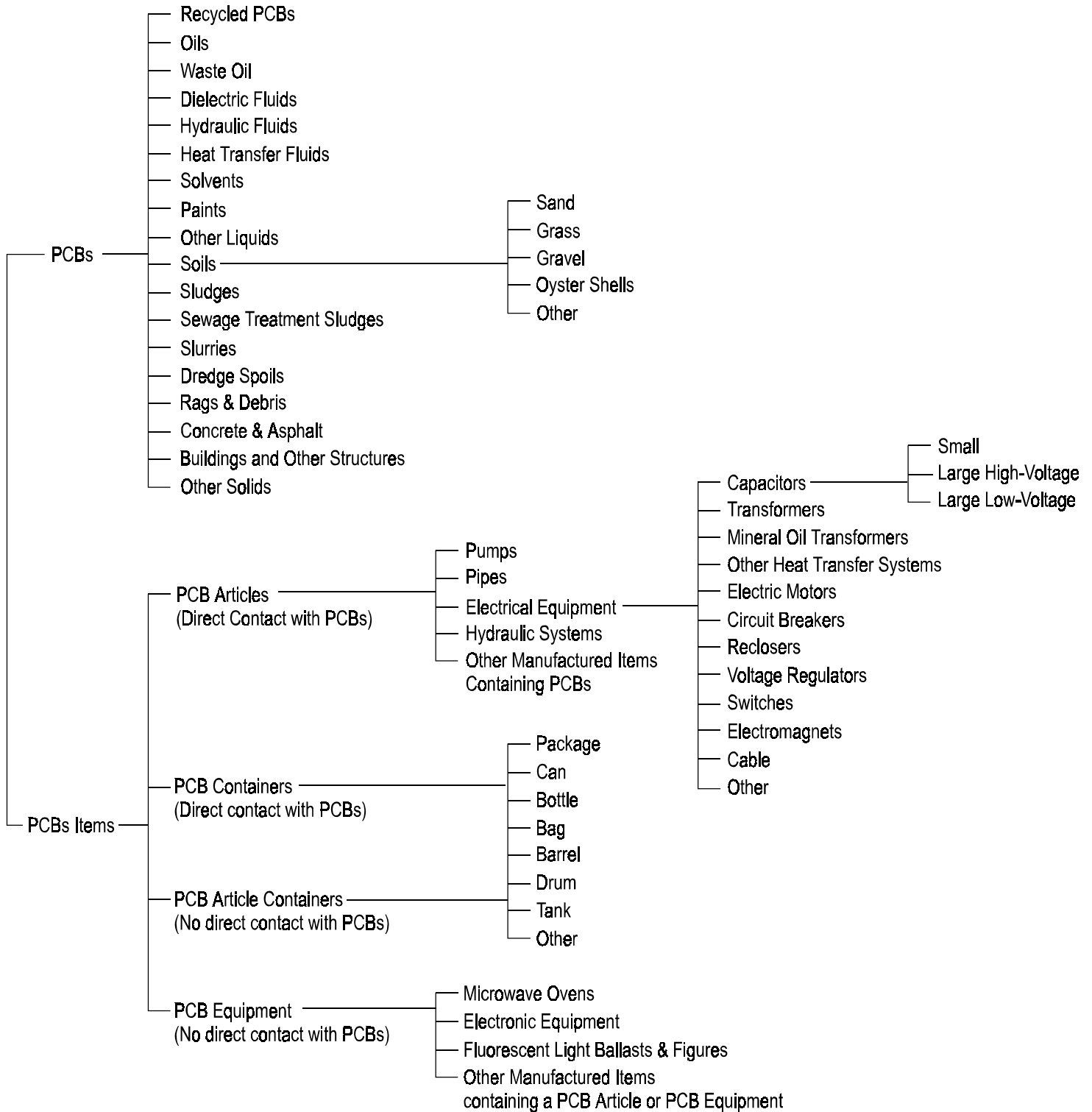
### 9.4.1 Definitions

Before gathering the data, it is necessary to address the definition of the term "equipment subject to 40 CFR Part 761." This term is confusing because it is not a regulatory term, and it is not synonymous with what appears to be the closest regulatory term, "PCB Equipment." In contrast, the regulations distinguish between equipment coming into direct contact with PCBs, so-called "PCB Articles," and that not coming into direct contact with PCBs, so-called "PCB Equipment" (see Exhibit 9-1). GSA has no intention to require certification of compliance for PCB Equipment (e.g., microwave ovens, fluorescent light ballasts and fixtures, and electronic equipment); instead it intends to focus on equipment such as transformers, switchgear, capacitors, etc. (Kwan, 1996). Much of PCB Equipment (e.g., microwave ovens and electronic equipment) is personal property (as opposed to real property), which is beyond the scope of this guidance document. Secondly, occupants, tenants, and maintenance personnel have no direct contact with PCBs in PCB Equipment. Although PCB Equipment is "equipment subject to 40 Part 761," it is only minimally regulated in contrast to the regulation of PCB Articles. Thus, henceforth, for the sake of clarity, the well-defined regulatory term PCB Articles will be used in lieu of "equipment subject to 40 CFR Part 761." The term "PCB Item" refers to PCB Articles, PCB Containers, PCB Article Containers, and PCB Equipment. For the same reasons, PCB Equipment will be ignored in the range of elements covered by "PCB Item."

### 9.4.2 Getting Started

You must understand how and where PCBs may be present at your facility. You can do so by referring to the EH-41 (formerly EH-23) *Guidance on the Management of Polychlorinated Biphenyls*, DOE/EH-0350,

# Exhibit 9-1 PCB Identification Chart



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November 1993 (see text box). The most common uses for PCBs are as dielectric fluid in transformers and other electrical equipment and as hydraulic fluid in factory machinery, elevators, and auto lifts. However, be forewarned that it is not always simple. For example, PCBs have been used in gaskets in the heating, ventilation, and air conditioning systems of certain DOE facilities constructed in the 1940s and 1950s.

**You must answer five questions for each container or equipment that could contain PCBs:**

- (1) What is the TSCA PCB category for the material or equipment?
- (2) Is the material or equipment to be managed as a waste?
- (3) What is the concentration of PCBs in the material or equipment?
- (4) Is the PCB material mixed with RCRA hazardous waste?
- (5) Is the PCB material contaminated with radioactive constituents?

Look at the PCB Identification Chart (Exhibit 9-1) for the categories of PCBs and PCB Items. Containers of PCBs should be identified by their labels; if in doubt, they should be sampled and analyzed for PCB concentration. Check to see if any equipment on site meets the criteria for a PCB Article. In many cases, subcategorization of the PCB Item and determination of the PCB concentration are necessary.

Second, determine what sections of 40 CFR Part 761 apply and whether the PCB Article is in compliance with those sections. Because determination of compliance can be rather complicated, you may want to seek the assistance of an environmental professional familiar with TSCA.

Third, if 1,000 or more kilograms of PCBs have been stored for one or more years, or of one or more pounds of PCBs have been disposed of, spilled, or released on the property, you must report this information on SF 118 (see § 9.5) and on the deed (see § 9.12). The information must be reported to

the extent that it is available on the basis of a complete search of DOE files (40 CFR 373.1).

### 9.4.3 Sources of Records on PCBs

It is prudent to conduct a preliminary records search before a physical search for the presence of and inspection of PCBs and PCB Items (see Exhibit 9-1) on the property. There are at least four types of records that you can examine to determine whether there are any PCBs stored, disposed of, or released on the property. Although some of the information in these records may seem redundant, there is no guarantee that all PCB Items will always be found through these records. Neglect or compounding of errors may preclude a PCB Container or PCB Item from being documented or reported.

First, find out if your facility has any records required by 40 CFR Part 761. A good starting point is the Annual Document Log. The Annual Document Log must list specific information about all PCBs and PCB Items that are either in service or in storage for reuse or disposal during the year. Annual Records consist of all manifests for the transport of PCBs and PCB Items, Exception Reports, One-year Exception Reports, and Certificates of Disposal generated or received at a facility during the year. Note that facilities are not required to keep Annual Document Logs and Annual Records more than three years beyond actually ceasing to store or use PCBs [see 40 CFR 761.180(b)] except that chemical waste landfills must maintain their Annual Document Logs and Annual Records at least 20 years after closure. Aside from the Annual Document Logs and Annual Records, other records include correspondence with regulatory agencies, as well as any manifest Discrepancy Report, Notification of PCB Waste Activity (EPA Form 7710-53), approval for a TSCA incinerator, and approval for a TSCA chemical waste landfill.

Second, a record of a PCB spill (including post-cleanup verification sampling data) must be retained for five years (under TSCA) after a spill, and reports of spills of more than one pound must be made to the National Response Center and to the DOE Headquarters Emergency Operations Center (DOE Order O 232.1). You can search DOE

Occurrence Notification Reports to uncover PCB spills.

Third, refer to the Annual Site Environmental Report that must be prepared by October 1 of each calendar year under DOE Order O 231.1, "Environmental, Safety, and Health Reporting," (formerly DOE Order 5400.1, "General Environmental Protection Program"). DOE M 231.1, the mandatory manual implementing the DOE Order, provides that the Annual Site Environmental Report must review the facility's compliance with all environmental requirements, discuss noncompliances, and describe corrective actions. In addition, the Compliance Summary of the Annual Site Environmental Report must discuss notices of violations issued by a regulatory agency.

Lastly, DOE's Office of Field Management (FM-20) has developed a Facilities Information Management System (FIMS) database that will include information on hazardous materials on DOE-owned, DOE-leased, GSA-assigned, and contractor-leased land, buildings, trailers, and other structures. As of August 1997, FM-20 was still working with DOE field elements to populate unclassified data for hazardous chemicals (including PCBs).

### 9.4.4 Inspection

Unfortunately, records do not provide all the information necessary for you to know whether any PCBs or PCB Articles are present or whether PCBs or PCB Articles present are in compliance. Therefore, it is necessary to conduct a physical inspection. For example, individual PCB Items and PCB Containers must be checked to determine if (1) they are properly stored, (2) they are properly marked to note the date of removal of a PCB Article or PCB fluid from service, and (3) the length of storage has not been exceeded. Again, sampling and analysis of fluids in PCB Articles and PCB Containers may be necessary to determine PCB concentration for purposes of verifying compliance. An excellent reference for inspection for PCB compliance is EPA's *TSCA Inspection Manual, Part I, Volume I*. Otherwise, you should seek the services of an environmental professional familiar with TSCA. You can use the results of the inspection either to certify compliance or bring

PCB Articles into compliance and then certify compliance with 40 CFR Part 761 (see § 9.5).

### 9.4.5 Identification of Contaminated and Uncontaminated Parcels

In addition to inspecting PCB Containers and PCB Items, be sure the following areas are also inspected: the soil and ground covering around and beneath PCB Articles, PCB Containers, and PCB storage areas. It is important to note that certifying compliance with 40 CFR Part 761 does not automatically meet the requirement of identifying parcels of land contaminated and uncontaminated by PCBs, especially where PCB Articles are absent. Therefore, it is necessary to check the soil and ground covering around and beneath containers storing hydraulic fluid, dielectric fluids, and heat transfer fluids and unmarked containers of oil-like substances and petroleum products. Have samples from stained soil and ground covering taken and analyzed. Section 6.3.2 indicated the ambiguity with which "contaminated" is defined by CERCLA § 120(h)(4) and BLM. In the absence of guidance from either source, the next best guidance is to refer to the cleanup levels specified in the TSCA Spill Cleanup Policy (40 CFR 761.125) to determine what should be regarded as contaminated or uncontaminated.

Use the identification of parcels of land contaminated by PCBs to satisfy BLM requirements (see § 9.10). Report on whether remedial action necessary to protect human health and the environment has been taken or will be completed (see § 9.5, § 9.10 and § 9.12). You can use the identification of parcels of land uncontaminated by PCBs to satisfy CERCLA § 120(h)(4) for DOE facilities being closed. The identification of parcels of land uncontaminated by PCBs (along with other hazardous substances, hazardous wastes, and petroleum products) is subject to concurrence by EPA for sites on the National Priorities List or by the appropriate State for all other sites.

EPA's ability to concur with the identification of uncontaminated parcels will depend on the information available concerning the current and historical uses of the parcel, the proximity of the parcel to sources of contamination requiring response actions, and the nature of the threat, if any,

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resulting from the type of activity or contamination associated with the parcel (see EPA, 1994).

### 9.5 Attachments to Form 118

GSA requires certification by the responsible person that any PCB Articles on the real property comply with 40 CFR Part 761. This certification must accompany Standard Form 118 (see Appendix A). In addition, if 1,000 or more kilograms of PCBs have been stored for one or more years, or if one or more pounds of PCBs have been disposed of, spilled, or released on the property, report this information as an attachment to Form 118. In addition, report on the attachment the dates on which the threshold quantities of PCBs have been stored, disposed of, or released on the property and any remedial action that has been taken or will be completed. If no hazardous substance activity (including PCBs) took place at the property, then attach to the Form 118 the following statement:

*DOE has determined, in accordance with regulations issued by the Environmental Protection Agency at 40 CFR Part 373, that there is no evidence to indicate that hazardous substance activity took place on the property during the time the property was owned by the United States.*

### 9.6 Relationship to Environmental Baseline Survey

Note that information gathered about the presence of PCBs on a facility must also appear in an environmental baseline survey (see Chapter 12). You may conduct part of or the entire environmental baseline survey yourself. If you conduct your own environmental baseline survey, it is recommended that you follow ASTM E-1528-93 Standard, "Standard Practice for Environmental Site Assessments: Transaction Screen Process." Alternatively, you may have an environmental professional, such as an environmental auditor, conduct the assessment in accordance with ASTM E-1527-94 Standard, "Standard Practice for Environmental Site Assessments: Phase I Environment Site Assessment Process." The use of an environmental professional with expertise in PCBs is recommended to avoid overlooking an item that could be regulated under 40 CFR Part 761 or if

you do not know whether an item regulated under 40 CFR Part 761 is in compliance.

### 9.7 Relationship to Occupational Safety and Health Baseline Survey

Include the information gathered about the presence of PCBs on a facility in any occupational safety and health baseline survey for the property. Workers who inspect, service, transport, or operate equipment with PCBs require the Hazard Communication Standard training under the Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1910.1200. Workers who clean up spills or respond to releases of PCBs require the Hazardous Waste Worker and Emergency Response Operations Standard training under regulations at 29 CFR 1910.120.

### 9.8 Relationship to NEPA Documents

A NEPA document prepared for a proposed real property transfer must address the existence of PCBs. Examples of when PCBs could be an issue include: (1) they are the subject of an enforcement action, remediation, or removal action to be completed for the real property transfer; (2) there is a change in the status of PCBs or equipment with PCBs when the property is transferred; or (3) the public or stakeholders express a concern about PCBs (for example, during a scoping meeting or as a comment).

### 9.9 Leases and Other Outgrants

Notify the appropriate state officials of any lease of DOE real property on which PCBs have been stored beyond one year, disposed of, or released if the lease encumbers the property beyond the date of termination of operations on the property. The notification must be made before entering into the lease and must include information on the length of the lease, name of the lessee(s), and the uses allowed by the lease.

Although not required, it is a best management practice to notify the lessees, occupants, or tenants of the locations of PCB Articles. If the PCB Articles are a part of the real property included in

the lease (e.g., a substation), make available copies of service, inspection, and maintenance records.

### **9.10 Notice of Intention to Relinquish**

If the real property being declared excess is withdrawn land, the Notice of Intention to Relinquish to be prepared and submitted to the Bureau of Land Management must include any information on the extent of PCB contamination and measures that have been taken or will be taken for decontamination. As explained in § 1.6.2, contamination is one of the 13 items that must be addressed although there is no specific standard form for providing the information. BLM does not define contamination, but refer to the cleanup levels specified in the TSCA Spill Cleanup Policy (40 CFR 761.125) to determine what should be regarded as contaminated or uncontaminated.

### **9.11 Invitation for Bids/Offers**

If the storage, release, or disposal of PCBs (or any hazardous substance) was reported in the attachment to Form 118 (see § 9.5), then GSA requires that the disposal agency (itself or DOE, as the case may be) incorporate in the Invitation for Bids/Offers to Purchase this information with the following statements (as prescribed in 41 CFR 101-47.304-14):

#### **NOTICE REGARDING HAZARDOUS SUBSTANCE ACTIVITY:**

*The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h).*

*The holding agency (i.e., DOE) advises that (provide information on the type and quantity of hazardous substances; the time at which storage, release, or disposal took place; and a description of the remedial action taken.)*

*All remedial action necessary to protect human health and the environment with respect to the hazardous substance activity during the time the property was owned by the United States has been taken. Any additional remedial action found to be necessary shall be conducted by the United States.*

In the case where the purchaser is a potentially responsible party with respect to PCBs, you must modify the above statement to represent the liability of the potentially responsible party for any remedial action.

### **9.12 Requirements for the Contract and Deed**

If 1,000 or more kilograms of PCBs have been stored for one or more years, or if one or more pounds of PCBs have been disposed of, spilled, or released on the property, 40 CFR 373.3 and CERCLA § 120(h)(1) and (3) require you to report in the contract (for sale, lease, or other transfer) and deed for the property the following information:

- (1) Name of the hazardous substance (i.e., PCBs) and regulatory synonym (i.e., polychlorinated biphenyls), and the Chemical Abstracts Service Registry Number (i.e., 1336-36-3).
- (2) Quantity (in kilograms and pounds) of the PCBs stored for one or more years, or known to have been disposed of, spilled, or otherwise released on the property.
- (3) Dates on which PCB storage, release, or disposal occurred.
- (4) Description of remedial action (if any).  
[This description is not required by 40 CFR Part 373 but by CERCLA § 120(h)(3)(A)(i)(III) to be put in the deed only.]
- (5) The following statement: "The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund") 42 U.S.C. Section 9620(h)." [This statement is not required by CERCLA § 120(h)(1) or (3) but by 40 CFR 373.3 to be put on the contract (for sale, lease, or other transfer only).]

In addition, you must attach a covenant to the property deed (not required for leases) if the

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property is not being transferred to a potentially responsible party with respect to the real property. The covenant must warrant the following pursuant to CERCLA § 120(h)(3)(A)(ii) and (iii):

- (1) *All remedial action necessary to protect human health and the environment from PCBs remaining on the property has been taken before the date of the property transfer. (Note: all remedial action has been considered taken if the construction and installation of an approved remedial design has been completed and the remedy has been demonstrated to EPA to be operating properly and successfully. The carrying out of long-term pumping and treating, or operation and maintenance, after the remedy has been demonstrated to EPA to be operating properly and successfully does not preclude the property transfer.)*
- (2) *Any additional remedial action found to be necessary after the date of property transfer shall be conducted by the United States.*
- (3) *Permission granting the United States access to the real property in any case in which remedial or corrective action is found to be necessary after the property transfer.*

See § 14.3.4 for how paragraph (1) above of the covenant statement may be deferred under CERCLA § 120(h)(3)(C).

In addition, EPA is proposing certain deed restrictions after certain PCB remedial activities (see text box).

### 9.13 Notification of Change in Ownership

Notify the appropriate EPA Regional Administrator of a change in facility status with respect to PCBs. Such a change includes a change in ownership as well as activities associated with a change in ownership (e.g., termination of PCB waste handling activities or initiation of disposal activities). On behalf of the DOE facility, you should indicate in a cover letter the changes that will take place.

Specify that an amended form (e.g., a Form 7710-53, TSCA incinerator approval, or TSCA chemical waste landfill approval) is being re-submitted in order to revise the original form. The steps for transfer of ownership or operation of a TSCA incinerator are prescribed in 40 CFR 761.70(d)(8). The steps for transfer of ownership or operation of a TSCA chemical waste landfill are prescribed in

#### Deed Restriction After Certain PCB Remedial Activities

EPA is proposing in its notice of rulemaking on the disposal of PCBs (59 FR 62864 of December 6, 1994) that a restriction be placed on deeds of properties that are required to have caps or fences. Caps or fences would be required if certain cleanup levels are not achieved after PCB remediation. The provision at 40 CFR 761.61(a)(4)(iv)(A) would require within 30 days of completion of a PCB remediation activity, two actions: (1) a notice of the existence of any cap or fence in the deed by the property owner, and (2) the requirement to maintain the cap or fence in accordance with 40 CFR 761.61(a)(4)(iii). In addition, the EPA Regional Administrator may request a copy of the above notice within 60 days of completion of the PCB remediation.

The provision at 40 CFR 761.61(a)(4)(iv)(B) would allow the owner to remove the cap or fence after conducting additional remedial activities and achieving the cleanup levels specified for the absence of a cap or fence. The owner would be required to remove the notice on the deed no earlier than 30 days after achieving the aforementioned cleanup levels.

Generally, it is not legally permissible for a notice to be physically placed on a deed after it is recorded. A way to insure that the requirement of maintaining a cap or fence (for perpetuity if the prescribed cleanup levels are not achieved) is placed on the deed is to record a separate notice that refers to the deed so that the requirement will appear in the chain of the title when a title search is conducted.

On behalf of DOE, EH-41 urged EPA, in its comment package of June 8, 1995, to allow 180 days or an exemption for Federal facilities for recording the notice because of two impediments. One is that most states require inclusion of the property description in recording the notice. Second is the impracticality of recording such a notice within 30 days of completing a remediation activity.

40 CFR 761.75(c)(7).

In particular, you should notify the appropriate EPA Regional Administrator of any change in ownership of lower secondary voltage network PCB Transformers (see glossary) in use in or near

**Transfer of Ownership of  
Commercial Storage Facilities**

DOE facilities that store more than 500 liquid gallons of PCBs at any time and store PCB waste generated by a source other than DOE or a DOE contractor, including other Federal facilities, are considered commercial storage facilities. EPA's proposed rulemaking at 40 CFR 761.65(j) (59 FR 62867 of December 6, 1994) affects transfers of ownership of commercial storage facilities. In order for a non-Federal government person to receive ownership of a commercial storage facility from a Federal agency (i.e., DOE), EPA would require the new owner to establish financial assurance, complete an amended application for storage approval, and resolve any deficiencies in DOE's original application or operation of the facility. These three conditions would apply regardless of whether the status with respect to DOE's original application for operating the facility was interim or final approval. (All existing commercial storage facilities had until August 2, 1990 to submit an application and receive interim status until the application was formally approved or denied.)

To facilitate the transfer of ownership, EPA would allow the new owner to amend the appropriate parts of the original application instead of requiring an entirely new application. EPA indicated it would approve or deny the transfer of ownership of the facility within 90 days of receipt of the amended application.

commercial buildings which have not been protected as specified in 40 CFR 761.30(a)(1)(iv)(A) and which are not located in sidewalk vaults.

You should notify in writing the fire response personnel with primary jurisdiction of any change in ownership of a PCB Transformer (see glossary). According to 40 CFR 761.30(a)(1)(vi), all PCB Transformers must be registered with the fire department or fire brigade which would normally be called upon for the initial response to a fire involving the equipment.

You should be aware of a proposed rulemaking concerning commercial storage facilities (see text box).

### 9.14 Checklist

- ☐ Have there been any PCBs or is there any equipment with PCBs on the real property? (If not, stop here.)
- ☐ Is the PCB material or equipment in compliance with the applicable regulations in 40 CFR Part 761 for the TSCA PCB category for that material or equipment?
- ☐ If not in compliance, what does it take to bring it into compliance?
- ☐ Has a Certification for Compliance with 40 CFR Part 761 been completed and included in the submission package described in § 9.5 for real property being declared as excess?
- ☐ Have the PCB data gathered on the real property being declared as excess been included in the environmental site assessment or environmental baseline survey?
- ☐ Have the PCB data gathered on the real property being declared as excess been included in the occupational safety and health baseline survey?
- ☐ If PCBs are an issue in an environmental assessment or environmental impact statement, have the PCB data gathered on the real property been included?
- ☐ If the real property is being offered for lease, have the appropriate State officials been notified as described in § 9.9?
- ☐ If the real property is being offered for lease, license, or permit (see glossary), will the tenants and occupants be informed about the presence and location of PCBs and PCB Articles as a best management practice?

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- ☐ If the real property being declared excess is withdrawn land, have data on the extent of PCB contamination and PCB decontamination measures been included in the Notice of Intention to Relinquish to the Bureau of Land Management?
  - ☐ Have the PCB data gathered on the real property being declared as surplus been included in the Invitation for Bids/Others described in § 9.11?
  - ☐ Have the PCB data gathered on the real property and the 40 CFR 373.3 information statement and the covenant been included in the contract (for sale, lease, or other transfer) and deed as described in § 9.12?
  - ☐ Has the appropriate EPA Regional Administrator been notified of any changes in ownership affecting the status of PCBs, PCB activities, and unprotected, lower secondary voltage network PCB Transformers in or near commercial buildings?
  - ☐ Has the fire department or fire brigade that would normally be called upon for the initial response to a fire involving a PCB Transformer been notified of any change in ownership concerning the equipment?
- DOE, 1995. *Management of PCB Laboratory Waste*, Information Brief, EH-413-061/1195, U.S. Department of Energy, Office of Environmental Policy and Assistance, EH-413, RCRA/CERCLA Division, November 1995.
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- EPA, 1994. "Military Base Closures: Guidance on EPA Concurrence in the Identification of Uncontaminated Parcels Under CERCLA § 120(h)(4)," Memorandum from Elliott P. Laws, Assistant Administrator, Office of Solid Waste and Emergency Response to Waste Management Directors (Regions I-X), Regional Counsels (Regions I-X), and the Federal Facilities Leadership Council, April 19, 1994.
- Kwan, Q.Y., 1996. personal communication with John Martin, Environmental Specialist, Property Disposal Division, General Services Administration, August 26, 1996.
- EPA, 1987. *TSCA Inspection Manual. Part I. Volume II. PCB Inspection Manual*. U.S. Environmental Protection Agency, Pesticides and Toxic Substances Enforcement Division, November 1987.

### 9.15 References

- ASTM, 1994. "Standard Practice For Environmental Site Assessments: Phase I Environmental Site Assessment Process," American Society for Testing and Materials Standard E-1527-94, June 1994.
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- DOE, 1996. *Technical Assistance Project: PCB Regulations and Their Application to Deactivation and Decommissioning Activities*, U.S. Department of Energy, Office of Environmental Policy and Assistance, EH-413, RCRA/CERCLA Division, April 1996.